

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LORENZO PEARSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:19-cv-302-ECM-SRW
)	
EQUIFAX,)	
)	
Defendant.)	

ORDER and REPORT AND RECOMMENDATION

Plaintiff initiated this case by the filing of a complaint against Equifax alleging violations of the Fair Credit Reporting Act.¹ (Doc. 2). In lieu of paying the filing fee, plaintiff filed a motion to proceed *in forma pauperis*. (Doc. 3). On May 13, 2019, this court issued an order directing plaintiff to file by June 3, 2019, an amended motion to proceed *in forma pauperis* that includes a supporting financial affidavit. (Doc. 7). The order explained that the financial affidavit was necessary for the court to evaluate the plaintiff's motion, and the Clerk provided plaintiff with the appropriate form. *See id.*

The plaintiff did not respond to the court's order, nor did he file an amended motion or affidavit. Accordingly, on June 10, 2019, the court ordered the plaintiff to show cause by June 21, 2019, "why this case should not be dismissed without prejudice due to plaintiff's failure to pay the filing fee or submit an amended motion to proceed *in forma*

¹ Plaintiff initially filed his complaint against Equifax erroneously in another case he has pending in this court against Experian (Case No. 1:19-cv-204-WKW-SMD). *See* Doc. 1. In that case, the court ordered that the Equifax complaint be stricken and opened in a new case. *Id.*

pauperis with a supporting financial affidavit as required.” (Doc. 8). To date, plaintiff has not responded to the show cause order, he has not filed an amended motion or a supporting affidavit, and he has not requested additional time in which to submit this information to the court.

The court previously cautioned plaintiff that his case would be subject to dismissal for failure to comply with the court’s orders. *See* Docs. 7, 8. Accordingly, it is

ORDERED that plaintiff’s motion to proceed *in forma pauperis* (Doc. 3) is DENIED without prejudice. The Magistrate Judge further

RECOMMENDS that this case be DISMISSED without prejudice for plaintiff’s failing to comply with the court’s orders to show cause and to pay the filing fee or file an amended motion to proceed *in forma pauperis* with a supporting affidavit. It is further

ORDERED that **on or before July 16, 2019**, plaintiff may file an objection to this Report and Recommendation. Any objection filed must specifically identify the findings in the Magistrate Judge's Recommendation to which plaintiff objects. Frivolous, conclusive or general objections will not be considered by the District Court.

Failure to file a written objection to the Magistrate Judge’s findings and recommendations under 28 U.S.C. § 636(b)(1) shall bar a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of a party to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. 11th Cir. R. 3-1; *Resolution Trust Co. v.*

Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, on this the 1st day of July, 2019.

/s/ Susan Russ Walker
Susan Russ Walker
United States Magistrate Judge